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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. B0410/7280D1

First Inventor Richard A. Gambale et al.

Title IMBEDDED INTRAMUSCULAR IMPLANTS

Express Mail Label No. EV340038339US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

- Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
- Applicant claims small entity status.  
See 37 CFR 1.27.
- Specification [Total Pages 29]
  - Descriptive title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (*if filed*)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- Drawing(s) (35 U.S.C. 113) [Total Sheets 12 ]
- Oath or Declaration [Total Sheets 2 ]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63 (d))  
*(for a continuation/divisional with Box 18 completed)*
  - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:**Commissioner for Patents  
Mail Stop Patent Application  
P.O. Box 1450  
Alexandria VA 22313-1450

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
8. Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all necessary*)
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statements verifying identity of above copies

**ACCOMPANYING APPLICATIONS PARTS**

9.  Assignment Papers (cover sheet & document(s))
10.  37 C.F.R. 3.73(b) Statement  Power of (when there is an assignee) Attorney
11.  English Translation Document (*if applicable*)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
15.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
16.  Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: check for \$1,398.00

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation       Divisional       Continuation-in-part (CIP)of prior application No: 09/ / 211,332

Prior application information: Examiner Thomas C. Barrett

Art Unit: 3762

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label		022832	<input type="checkbox"/> Correspondence address below <i>(Insert Customer No. or Attach bar code label here)</i>	
Name				
Address				
City		State	Zip Code	
Country		Telephone	Fax	

Name (Print/Type)	John F. Perullo	Registration No. (Attorney/Agent)	39,498
Signature			Date
			January 29, 2004

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

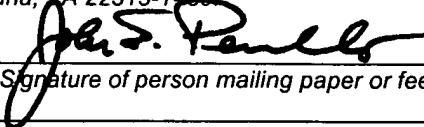
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PATENT  
ATTORNEY'S DOCKET NO.: B0410/7280D1

Express Mail mailing label number EV340038339US Date of Deposit: January 29, 2004

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John F. Perullo  
(Typed or printed name of person mailing paper or fee)

  
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SIR:

TRANSMITTED HEREWITH FOR FILING IS A PATENT APPLICATION OF:

INVENTOR(S): RICHARD A. GAMBALE; MIKE WEISER; STEPHEN FORCUCCI AND  
CHIRAG B. SHAH

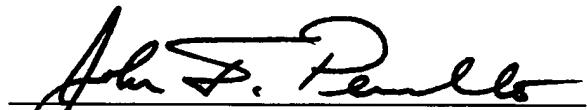
FOR: IMBEDDED INTRAMUSCULAR IMPLANTS

ENCLOSED ARE:

- UTILITY PATENT APPLICATION TRANSMITTAL
- APPLICATION DATA SHEET
- PRELIMINARY AMENDMENT
- A SPECIFICATION AND CLAIMS INCLUDING 29 PAGES
- COPY OF DECLARATION AND POWER OF ATTORNEY  
(FROM PARENT APPLICATION 09/211,332)
- TWELVE (12) SHEETS OF INFORMAL DRAWINGS (FIGS.1-9C)
- INFORMATION DISCLOSURE STATEMENT AND PTO FORM 1449, IN DUPLICATE)

FOR	NUMBER FILED	CLAIMS AS FILED			BASIC FEE
		NUMBER EXTRA	RATE		
TOTAL CLAIMS	31	-20	X \$18.00	\$770.00	
INDEPENDENT CLAIMS	8	-3	X \$86.00	\$198.00	
			TOTAL FILING FEE	\$430.00	
				\$1,398.00	

- A CHECK IN THE AMOUNT OF \$1,398.00 TO COVER THE FILING FEE IS  
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DATE: JANUARY 29, 2004